

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA
PITTSBURGH**

T. MONTANA BELL,)	Civil Action No. 2: 22-cv-0701
)	
Plaintiff,)	United States Magistrate Judge
)	Cynthia Reed Eddy
v.)	
)	
C/O CACIA,)	
)	
Defendant.)	

MEMORANDUM OPINION¹

Presently before the Court is the Motion to Dismiss for Failure to State A Claim filed by Defendant, C/O Cacia (ECF No. 22), and the Response filed by Plaintiff, T. Montana Bell. (ECF Nos. 25 and 26). For the reasons that follow, the Motion will be granted. The Court declines to exercise supplemental jurisdiction over the state law claims and this matter will be remanded to the Court of Common Pleas of Fayette County, Pennsylvania, forthwith.

Background

Plaintiff, T. Montana Bell (“Plaintiff” or “Bell”), is a state prisoner committed to the custody of the Pennsylvania Department of Corrections and currently confined at the State Correctional Institution at Fayette, Pennsylvania (“SCI-Fayette”). Bell initiated this action by filing *pro se* a Writ and Complaint in the Court of Common Pleas of Fayette County, Pennsylvania. In the original Complaint, Bell raised four claims, all pertaining to the

¹ In accordance with the provisions of 28 U.S.C. § 636(b)(1), the parties have voluntarily consented to jurisdiction by a United States Magistrate Judge, including entry of final judgment *See* ECF Nos. 8 and 12.

interference with Bell's personal property: two state law claims, negligence and assumpsit, and two claims invoking his constitutional rights under the First and Fourteenth Amendments to the U.S. Constitution. (Complaint, ¶¶ 16 – 19, ECF No. 1-2). Defendant removed the matter to this Court pursuant to 28 U.S.C. §§ 1441 and 1446.

On May 20, 2022, Defendant filed a motion to dismiss. (ECF No. 4). In response, Bell filed an Amended Complaint, raising only two state law claims: negligence and assumpsit. (ECF No. 20). Nowhere in the Amended Complaint does Bell assert a violation of his rights under the U.S. Constitution. Defendant filed a Motion to Dismiss the Amended Complaint seeking to have all federal claims dismissed with prejudice and the case remanded to the Court of Common Pleas of Fayette County. (ECF No. 22).

While removal was proper at the time Defendant filed his Notice of Removal based on the presence of federal law claims pursuant to 28 U.S.C. § 1441, Bell has since voluntarily withdrawn all federal claims from this action. Bell clearly now is seeking relief against Defendant pursuant only to Pennsylvania law.

Where, as is the case here, all claims over which the Court has original jurisdiction have been dismissed, the district court may decline to exercise supplemental jurisdiction over the remaining state law claims. 28 U.S.C. § 1367(c)(3). The decision to exercise supplemental jurisdiction is discretionary. *Kach v. Hose*, 589 F.3d 626, 650 (3d Cir. 2009). The decision should be based on “the values of judicial economy, convenience, fairness, and comity.” *Carnegie-Mellon Univ. v. Cohill*, 484 U.S. 343, 350 (1988). Ordinarily, when all federal law claims have been dismissed, the balance of these factors weighs in favor of resolving the remaining state law claims in the state court. *Id.*

The balance of factors in this case weighs heavily in favor of declining to exercise jurisdiction over the state law claims. In particular, the Court notes that Bell commenced this case in state court, the claims that provided the basis for removal jurisdiction have been voluntarily withdrawn, and the litigation remains in its earliest stages.

Conclusion

Defendant Cacia's motion to dismiss will be granted. To the extent that the Amended Complaint raises any federal claims, such claims are dismissed with prejudice. The Court declines to exercise supplemental jurisdiction over the remaining state law claims. The Clerk of Court will be directed to remand this case forthwith to the Court of Common Pleas of Fayette County, Pennsylvania.

An appropriate Order follows.

s/ Cynthia Reed Eddy
Cynthia Reed Eddy
United States Magistrate Judge

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